

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JASON STOCKLEY)
)
 Plaintiff,) **No. 4:18-cv-00873-CAS**
)
 vs.)
)
 JENNIFER JOYCE, ET AL.,)
)
 Defendants.)
)

DEFENDANT KIRK DEEKEN'S
MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

COMES NOW Defendant Kirk Deeken ("Deeken"), by and through his attorney Julian Bush, City Counselor for the City of St. Louis, pursuant to Federal Rule of Civil Procedure 12(b)(6), and for Defendant's Motion to Dismiss Plaintiff's First Amended Complaint ("Plaintiff's Complaint") states as follows:

1. Plaintiff has filed his four-count Complaint against Deeken, former Circuit Attorney Jennifer Joyce ("Joyce"), and the City of St. Louis ("City"), also pled as Joyce in her official capacity and Deeken in his official capacity.
2. Plaintiff asserts an unspecified § 1983 claim against all defendants (Count I), a putative claim for municipal liability against City and Joyce (Count II), a state law defamation claim against Joyce (Count III), and a state law malicious prosecution claim against Deeken (Count IV).
3. Count I, for "Violation of 42 U.S.C. § 1983," fails to state a claim upon which relief may be granted.

4. Deeken is entitled to absolute immunity from § 1983 liability based on his grand jury testimony.

5. Deeken is entitled to qualified immunity from § 1983 liability based on his probable cause statement.

6. Plaintiff's state law malicious prosecution count is barred by official immunity and otherwise fails to state a claim upon which relief may be granted.

7. A memorandum of law in support of this motion is filed herewith and incorporated herein by reference.

WHEREFORE, for all of the reasons set forth above, Deeken respectfully requests that this honorable Court grant his Motion to Dismiss and enter an order dismissing Plaintiff's claims against him with prejudice.

Respectfully submitted,

JULIAN BUSH
CITY COUNSELOR

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Certificate of Service

I hereby certify that on August 16, 2018 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Andrew D. Wheaton